IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDCITION

NOTICE OF MOTION NO. 1233 OF 2006

IN

SUIT NO. 2445 OF 2001

Vijay Dhirubhai Desai .. Plaintiff

V/s

Sandeep Rajaram Chalke .. Defendants

Mr.Santosh Warhade i/b M.P. Vashi & Associates for the plaintiff.

None for the defendants.

CORAM: D.G. KARNIK, J.

DATE : 13TH JUNE 2007

P.C.:

1. Heard the learned counsel for the plaintiff. None present for the defendants.

2. This motion is taken out by the defendants for passing an order of abatement of the suit on the ground that the plaintiff has expired in the year 2004 and his heirs have not been brought on record. Counsel for the plaintiff confirms that the plaintiff has died, but states that the exact date of his death

is not known. Since the motion has been taken out on 18th April 2006, death must have occurred prior thereto. As the heirs of sole plaintiff have not been brought on record for a period of more than 90 days, the suit stands abated. Accordingly the motion is allowed in terms of prayer (a). Suit No.2445 of 2001 stands disposed of as abated.

(D.G. KARNIK, J.)